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NOTICE OF ALLOWANCE AND FEE(S) DUE

7590

07/22/2010

Adan Ayala, Esq.
Black & Decker Inc.
TW-199
701 E. Joppa Road
Towson, MD 21286

EXAMINER

DEXTER, CLARK F

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 07/22/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,524	09/08/2003	Daryl S. Meredith	TN-3481	9167

TITLE OF INVENTION: FENCE ARRANGEMENT FOR A SLIDE MITER SAW

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	10/22/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE** OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
Commissioner for Patents
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

7590 07/22/2010

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Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/657,524 09/08/2003

Daryl S. Meredith

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TITLE OF INVENTION: FENCE ARRANGEMENT FOR A SLIDE MITER SAW

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nonprovisional	NO	\$1510	\$300	\$0	\$1810	10/22/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
DEXTER, CLARK F	3724	083-130000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____
 Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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EXAMINER

DENTER, CLARK F

ART UNIT

PAPER NUMBER

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 17 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 17 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability

Application No.

10/657,524

Examiner

Clark F. Dexter

Applicant(s)

MEREDITH, DARYL S.

Art Unit

3724

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the response filed on May 11, 2010.
2. ☒ The allowed claim(s) is/are 1,4,5,7-9 and 17.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☒ including changes required by the attached Examiner's Amendment ~~Comment or in the Office action of~~
~~Paper No./Mail Date.~~

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Adan Ayala on July 19, 2010.

2. The application has been amended as follows:

In the Claims

Claims 6 and 18 have been canceled.

Claim 1 has been rewritten as follows:

--Claim 1 (currently amended): A saw comprising:

a base for supporting a workpiece;

a table rotatably connected to the base;

a saw assembly pivotably attached to the table and rotatable therewith, the saw assembly comprising a pivot arm for the pivotable attachment, an upper blade guard connected to the pivot arm, a motor attached to the upper blade guard, and a blade driven by the motor, the saw assembly being pivotable ~~movable~~ between an upper

position for not engaging the workpiece, and a lower position for engaging the workpiece; and

a fence assembly attached to the base and disposed on one side of a cutting plane of the blade, the fence assembly comprising

a fixed fence fixedly attached to the base and disposed on the one side of the cutting plane of the blade, the fixed fence having a front portion and [[,]] a rear portion, each portion having [[with]] a substantially horizontal support surface, and a channel between the horizontal support surfaces of the front and rear portions,

a movable fence slidably connected to and removably connected to the fixed fence and disposed on the one side of the cutting plane of the blade, the movable fence being linearly movable horizontally relative to the fixed fence along the channel, the movable fence defining a first substantially vertical support plane, at least one of the fixed fence and the movable fence for contacting the workpiece, and

an auxiliary fence attached to the base and disposed on the one side of the cutting plane of the blade and behind ~~the substantially horizontal support surface of~~ the fixed fence, the auxiliary fence being higher than a highest point on the fixed fence and having a substantially vertical support surface extending upwardly above the substantially horizontal support surfaces of the fixed fence, the substantially vertical support surface being coplanar with [[along]] a second substantially vertical support plane substantially parallel to the first support plane,

so that when the movable fence is removed, no portion of the fence assembly is both above the fixed fence and in front of the second support plane, allowing the auxiliary fence to contact the workpiece;

wherein the blade is movable in a rearward direction from the lower position to a position at least partially behind the auxiliary fence, and
wherein the auxiliary fence remains stationary during movement of the table.--.

Claims 4 and 5 have been rewritten as follows:

--Claim 4 (currently amended): The saw of Claim 1, further comprising a support housing connected to ~~one of~~ the table and the saw assembly, wherein ~~[[and]]~~ at least one rail slidably connects ~~connected to~~ one of the table to the support housing or ~~[[and]]~~ the support housing to the saw assembly.

Claim 5 (original): The saw of Claim 4, wherein the saw assembly further comprises a trunnion disposed on the at least one rail that is slidably attached to the support housing, the pivot arm being pivotably attached to the trunnion.--.

Claims 7 and 8 have been rewritten as follows:

--Claim 7 (currently amended): The saw of Claim 1 ~~[[6]]~~, wherein the horizontal support surfaces are ~~[[is]]~~ substantially parallel to an upper surface of the base.

Claim 8 (currently amended): The saw of Claim 1 [[6]], wherein the horizontal support surfaces are [[is]] substantially perpendicular to the first support plane.--.

In the Specification

Paragraphs 0005 and 0006 have been rewritten as follows:

-- [0005] In addition, slide miter saws have a mechanism to enable the user to move the saw assembly horizontally along the table 12. Referring to FIG. 1, most slide miter saws 10 accomplish this by connecting the saw assembly to at least one rail 15, which is slidably attached to a support housing 14 connected to the table 11 (see, e.g., US Patent No. 6,067,885).

[0006] Alternatively, slide miter saws 10' have at least one rail 15 that may be slidably connected to table 12, as shown in FIG. 2. Support housing 14' is then fixedly attached to the rail(s) 15. In addition, support housing 14' is attached to trunnion 16. See, e.g., US Patent No. 5,054,352.--.

Paragraph 0018 has been rewritten as follows:

-- [0018] Movable fence 22 and/or fixed fence 21 have support surfaces that define a fence plane FP for supporting a workpiece. Preferably, fixed fence 21 and movable fence 22 are substantially coplanar. Fence plane FP is preferably substantially vertical.--

Paragraph 0020 has been rewritten as follows:

-- [0020] Fixed fence 21 may have upper surfaces 21S which are preferably substantially coplanar and are separated by a channel 21C. Upper surfaces 21S are preferably parallel to the horizontal plane HP.--.

Paragraph 0022 has been rewritten as follows:

-- [0022] With such arrangement, the user can remove movable fence 22 and dispose a spacer block 24 on base 11 and/or table 12, as shown in FIG. 4. Spacer block 24 preferably has the same height as fixed fence 21. A workpiece W can then be placed on fixed fence 21 and spacer block 24. Workpiece W can also be placed against the support surface 23S of the auxiliary fence 23.--.

In the Drawings

3. The following changes to the drawings have been approved by the examiner and agreed upon by applicant:

In Figure 2, numeral 10 will be changed to --10'--, and numeral 14 will be changed to --14'--.

In Figure 3, alphanumeric --21C-- will be added to indicate the channel between surfaces 21S.

In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

Additional Prior Art

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Remarks

5. The above changes have been made to the claims, specification and drawings for further clarity. Further, due to the allowability of claim 1, the restriction requirement between Apparatus Groups I and II has been **withdrawn** and currently pending withdrawn claims 4 and 5 have been **rejoined**.

REASONS FOR ALLOWANCE

6. The following is an examiner's statement of reasons for allowance:

The prior art of record, either taken alone or in combination, does not fairly teach or suggest the claimed invention. For example, Chang, pn 5,855,366 teaches a saw with many of the structural features of the claimed invention but lacks a fixed fence as claimed including a channel between horizontal support surfaces in combination with an auxiliary fence as claimed. That is, while feature 214 could be considered to be an auxiliary fence, it is also a support for the movable fence 30. If one having ordinary skill in the art was motivated to change to the channel-type of movable fence support configuration (e.g., see O'Banion et al., pn 5,297,463), the support 214 would be removed and/or replaced for the channel-type configuration. That is, there is no suggestion in the prior art to provide both movable fence support structures.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Clark F. Dexter/
Primary Examiner, Art Unit 3724**

cfd
July 19, 2010